

## REMARKS

In accordance with the foregoing, the specification and claim 1, 4 and 8 have been amended. No new matter is added. Claims 1-13 are pending and under consideration.

### ALLOWABLE SUBJECT MATTER

Applicant has gratefully noted that claims 9, 11, and 12 have been deemed to be allowable if rewritten in independent form. However, since Applicant believes that claims 1, 4, and 8 from which claims 9, 11, and 12 respectively depend are patentable, claims 9, 11, and 12 are maintained as dependent at the present time.

### CLAIM REJECTION UNDER 37 U.S.C. § 102

In the Office Action, at page 2, numbered paragraph 3, claims 1, 2, and 4 - 8 are rejected under 37 U.S.C. § 102(e) as allegedly being anticipated by Mortsolf et al US Patent 6,229,804 B1 (hereinafter "Mortsolf"). This rejection is traversed and reconsideration is requested.

The currently amended claim 1 specifies *"A telecommunication apparatus for voice and data communication, comprising: a first port to connect said apparatus to a circuit switched telecommunication network; a second port to connect said apparatus to a packet based telecommunication network; means in said apparatus for a local user to initiate and receive calls with other parties via the circuit switched network or the packet based network"*.

These claim recitations cover a telecommunication apparatus that is a combination of a traditional telephone apparatus and an IP Telephone apparatus. Keyboards and other user operated means in the apparatus allows a local user to make or receive voice and data calls via the Internet or, alternatively, via a regular telephone line. (See Fig. 3 and associated text in the present application.) Note that no gateway means is required for voice and data communication going out from the apparatus or coming into the apparatus. The local operator decides if he wants to use the telephone line or the Internet for an outgoing call, or the apparatus decides for him on the basis of the address used by the operator, as described in the specification. All incoming calls are automatically passed through to the proper part of the apparatus. Gateway means are therefore absent from known apparatuses as defined in the first part of the claims.

However, the above telecommunication apparatus being complemented with gateway functionality of the already existing ports is a novel feature. Claim 1 specifies *"single channel gateway means for establishing a path between said first port and said second port inside said apparatus in response to a request from a server on the packet based telecommunication"*

*network acting on behalf of a remote caller, whereby the telecommunication apparatus can serve as part of a distributed gateway system between said packet based telecommunication network and said circuit switched telecommunication network for said remote caller."*

The ISP Gateway/Terminals 16, 23 and 39 disclosed by Mortsof are banks of gateways designed for passing calls between two different telecommunication networks. They are not intended, nor equipped, for local user's calls. They do not include "*means ... for a local user to initiate or receive calls with other parties via the circuit switched network or the packet based network.*" They only serve calls from remote users that are on a different network than the called party.

Item 23 (as well as 16, 39) disclosed by Mortsof, accordingly, does not correspond to the type of apparatus specified in claim 1, since it does not handle any local user's calls. Thus the currently amended claim 1 distinguishes from the apparatus 23 described in Mortsof by the design, function, and operation of the claimed apparatus.

Mortsof's item 23 is solely a concentrated bank of gateways. Such devices are well known in the art. The gateways do not handle any local user's calls, and are therefore not an integral part of any telecommunication apparatus as specified in claim 1. The Mortsof reference is, accordingly, irrelevant to the present invention.

Applicant takes exception to the Examiner's statement on page 3, last part of the first paragraph, that "*a distributed gateway system is defined in the specification on page 18, lines 5-7 as a gateway connecting to both the PBDN and the PSTN*". A gateway is always connected to both a PBDN and a PSTN, and such a statement does not define whether it is a single channel gateway in a distributed gateway system, or part of a gateway bank.

The referenced text actually reads: "The invention concerns a system for IP telephony using distributed gateways instead of Network Gateways. According to the invention, this is achieved by using *Gateway Telephones 200* connected both to the PBDN and the PSTN as *the backbone of the system*." Gateway Telephones 200 are used in the specification as a descriptive term for a telecommunication apparatus according to the invention. It is the use of multiple apparatuses, each with a built in gateway means according to the invention, that constitute a distributed gateway system.

As explained in detail above, the apparatus of currently amended claim 1 clearly distinguishes from the devices described in the Mortsof reference.

Claims 2, 3 and 11 depending from claim 1 are also patentable at least by inheriting

patentable features from independent claim 1.

Applicant still notes that the Office Action reason for rejection of claim 2 is flawed. Mortsof does not disclose any third port to connect a conventional telephone apparatus 22 to apparatus 23. Item 14" is clearly marked as a Public Switched Telephone Network (PSTN). The referenced text in Mortsof recites only one PSTN connection, which allows calls to a conventional telephone 22 or a PC 24. There is no indication of a third port to a local telephone in item 23.

Based on the above arguments, amended independent claim 4 and claims 5-7 depending from claim 4 patentably distinguish over the cited prior art at least because claim 4 recites "means in said apparatus for a local user to initiate and receive calls with other parties via the circuit switched network or the packet based network" and "single channel gateway means for establishing a path between said first port and said second port inside said telecommunication apparatus in response to a request from a server on the packet based telecommunication network acting on behalf of a remote caller, whereby said telecommunication apparatuses can serve as a distributed gateway system between said packet based telecommunication system and said circuit switched telecommunication system for said remote caller."

Similarly amended claim 8 and claims 9 and 10 depending from claim 8 patentably distinguish over the cited prior art at least because claim 8 recites

- multiple telecommunication apparatuses for voice and data communication, each of said telecommunication apparatuses having
- a first port connected to said circuit switched telecommunication network;
- a second port connected to said packet based telecommunication network;
- means in said apparatus for a local user to initiate and receive calls with other parties via the circuit switched network or the packet based network;
- single channel gateway means for establishing a path between said first and said second port inside said telecommunication apparatus in response to a request from the packet based telecommunication network; and
- gateway location servers connected to said packet based telecommunication network, said gateway location servers being adapted to receive a request from a calling apparatus connected to said packet based telecommunication network for telecommunication with a specified telephone apparatus on said circuit switched telecommunication network, and further being programmed to select one of said

telecommunication apparatuses to serve as a gateway between said networks for said requested connection, and to forward said request to said one selected telecommunication apparatus via said packet based telecommunication network, whereby said telecommunication apparatuses can serve as part of a distributed gateway system between said circuit switched telecommunication network and said packet based telecommunication network.

Because a gateway means is not required for regular operation of a telecommunication apparatus capable of both ordinary telephone and IP telephone calls, it would not be obvious to those skilled in the art to add a gateway means to such an apparatus. The idea that doing so can make a multitude of apparatuses according to the invention serve as a distributed gateway system is an inventive concept, which confers great advantages to the claimed inventions.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

In the Office Action, page 5, numbered paragraph 4, claim 3 is rejected as being unpatentable over Mortsof in view of U.S. Patent 6,711,160 B2 to Chan et al. ("Chan"). In the Office Action, page 6, numbered paragraph 5, claim 10 is rejected as being unpatentable over Mortsof in view of U.S. Patent 6,353,610 B1 to Bhattacharya et al. ("Bhattacharya").

Chan and Bhattacharya do not correct or compensate for the above-identified failure of Mortsof in teaching or suggesting all the features of the independent claims. Therefore, dependent claims 3 and 10 are also patentable at least by inheriting patentable features from independent claims 1 and 8, respectively.

#### **CLAIM 13 NOT CONSIDERED**

Applicant respectfully directs the Examiner's attention to independent claim 13 that was added in the amendment filed on March 16, 2007 (entered upon filing a RCE on April 24, 2007) and paid for accordingly. Patentability of claim 13 was not evaluated on the merits in the Office Action of May 30, 2007, and Applicant submits it is allowable for the features noted above not disclosed by the prior art.

#### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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